

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-56-RJC-WCM**

ANDRE ANTONIO DAVIS,)
)
 Plaintiff,)
)
 vs.) **ORDER**
)
 INFRAGARD NATIONAL)
 MEMBERS ALLIANCE INC.)
 AND INFRAGARD CHARLOTTE)
 MEMBERS ALLIANCE INC.)
)
 Defendants.)
 _____)

THIS MATTER is before on its own motion. After review by the Court, Plaintiff's Amended Complaint (Doc. No. 16) fails to adequately state a claim for which relief may be granted. For the reasons stated herein, the Court hereby orders the Plaintiff's Amended Complaint be **DISMISSED**.

A court is empowered to dismiss a case *sua sponte* under Rule 12(b) where the plaintiff has clearly failed to state a claim for relief. *See* Fed. R. Civ. P. 12(b)(6); *Grier v. United States*, 57 F.3d 1066 (4th Cir. 1995) (noting that, when it is clear as a matter of law that no relief could be granted under any set of facts, the court is warranted in either granting a motion to dismiss for failure to state a claim or ordering dismissal *sua sponte* under Rule 12(b)(6)) (unpublished); *Allran v. New York Fed. Reserve Bank*, 2010 WL 2163281 (W.D.N.C. May 27, 2010) (dismissing complaint with prejudice under Rule 12(b)(6) where his claims that a conspiracy by defendants to establish a "New World Order" for the purpose of perpetrating an "evil scheme to rule the world [and] engage in intentional, evil, sinful, unlawful and deceitful acts" fail to state a claim upon which relief can be based), *aff'd Allran v. Wells Fargo*, 424 Fed. Appx. 198 (4th Cir. 2011). A

complaint is deemed frivolous “where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Adams v. Rice*, 40 F.3d 72, 75 (4th Cir. 1994) (“Legally frivolous claims are based on an indisputedly meritless legal theory and including claims of infringement of a legal interest which clearly does not exist” (quotations omitted)).

Plaintiff has filed 18 lawsuits in this District since September 2020. A number of those lawsuits, alleging similar factual allegations and claims, have already been dismissed as frivolous.¹ (See Case Nos. 3:20-cv-542-FDW-DSC, 3:21-cv-150-GCM, 3:21-cv-228-GCM, 3:21-cv-335-GCM, 3:21-cv-00474-GCM, 3:21-cv-00166-MOC-DSC, 3:21-cv-00177-MOC-DCK). Plaintiff has been warned that additional frivolous and meritless lawsuits may result in a pre-filing injunction against Plaintiff along with “hefty monetary sanctions.” (Case Nos. 3:21-cv-166-MOC-DSC Doc. No. 23 & Case No. 3:21-cv-177-MOC-DCK Doc. No. 46).


Here, after amendment, Plaintiff’s operative Amended Complaint (Doc. No. 16) alleges a conspiracy in which Defendants, in concert with the United States government, are tracking the Plaintiff, hacking his car, and sharing his information worldwide in violation of his constitutional rights for “illegal kickbacks and forming illegal monopolies.” (Doc. No. 16 ¶ 5). In Plaintiff’s fifty-one count Amended Complaint he brings a myriad of nonsensical claims including, among others, various causes of action under Title 18 of the United States Code, the Internal Revenue Code, antitrust laws, and the United States Constitution. Plaintiff’s Complaint is frivolous and fails to state a cognizable claim for which relief may be granted. It is therefore dismissed with prejudice. See Fed. R. Civ. P. 12(b)(6).

¹ Indeed, Plaintiff sought to consolidate this case with, among others, Case Nos. 3:21-cv-177; 3:21-cv-150; 3:21-cv-228; and 3:21-cv-166 each of which has been dismissed as frivolous (Doc. No. 4).

IT IS, THEREFORE, ORDERED that

1. The Complaint is **DISMISSED** with prejudice for failure to state a claim pursuant to Rule 12(b)(6).
2. The Clerk is directed to close the case.

Signed: November 23, 2021


Robert J. Conrad, Jr.
United States District Judge

